

ORIGINAL

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8 JUMPSPORT, INC.

E-Filing

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 JUMPSPORT, INC., a California corporation,
13 Plaintiff,

14 v.

15 HEDSTROM CORPORATION, a Delaware
16 corporation; KMART CORPORATION, a
17 Michigan corporation; TARGET
18 CORPORATION, a Minnesota corporation;
19 TOYS "R" US-DELAWARE, INC., a Delaware
20 corporation; and DOES 1 through 100,
21 Defendant.

Case No. C 04-0199 PJH

STIPULATION TO DISMISS ACTION
FOR DECLARATORY RELIEF AND ORDER

1 Pursuant to their Settlement Agreement, effective as of July 25, 2005, Plaintiff Hedstrom
2 Corporation (Hedstrom) and Defendant JumpSport, Inc. (JumpSport) jointly move to dismiss with
3 prejudice all claims for declaratory relief filed by or on behalf of Hedstrom against JumpSport.

4
5 DATED: May 15, 2006

Respectfully submitted,

6 TOWNSEND AND TOWNSEND AND CREW LLP

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8 By: 
Peter H. Goldsmith

9
10 Attorneys for Plaintiff and Counterdefendant
JumpSport, Inc.

11
12
13 DATED: May 11, 2006

Respectfully submitted,

14 CESARI AND McKENNA LLP

15
16 By: 
Kevin Gannon

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18 Attorneys for Defendant and Counterplaintiff
Hedstrom Corporation

19 60769532 v1

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RECEIVED
06 MAY 18 AM 11:40
MICHAEL H. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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18 CORPORATION, a Minnesota corporation;
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Case No. C 04-0199 PJH


**[PROPOSED] ORDER GRANTING
PLAINTIFF JUMPSPORT, INC.'S AND
DEFENDANT HEDSTROM
CORPORATION'S JOINT MOTION TO
DISMISS ACTION FOR DECLARATORY
RELIEF**

1 The parties' stipulated motion to dismiss Hedstrom's claims for declaratory relief, pursuant to
2 their July 25, 2005, Settlement Agreement, is **GRANTED**.

3 All claims for declaratory relief filed by or on behalf of Hedstrom against JumpSport are
4 **DISMISSED** with prejudice.

5
6 Dated this day of May, 2006.

7 6/2/06

8 
United States District Court Judge

9 60776333 v1

CERTIFICATE OF SERVICE

I, Linda Hegenbarth, am a citizen of the United States and an employee in the City and County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is Two Embarcadero Center, 8th Floor, San Francisco, CA 94111.

On May 17, 2006, I served the following document(s): **[PROPOSED] ORDER GRANTING PLAINTIFF JUMPSPORT, INC.'S AND DEFENDANT HEDSTROM CORPORATION'S JOINT MOTION TO DISMISS ACTION FOR DECLARATORY RELIEF** on the parties in this action

☒ By U.S. Mail: I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit. Fed. Rule Civ. Proc. 5(b).

☐ By Federal Express: I am "readily familiar" with the firm's practice of collection and processing of correspondence for Federal Express. Under that practice it would be deposited with Federal Express on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. CCP §1013(c).

☐ By Personal Service by Messenger: I caused such documents to be placed in an envelope and given to an employee of First Legal Support Services with instructions to hand deliver such envelope to the below-referenced address on May 17, 2006. Fed. Rule Civ. Proc. 5(b).

☐ By Facsimile: On May 17, 2006, the document was transmitted by facsimile transmission from facsimile machine number (415) 576-0300 to the following persons at the following fax numbers:

Thomas O'Konski
Kevin Gannon
Cesari & McKenna LLP
88 Black Falcon Avenue
Boston, MA 02210

Tel: 617.951.2500
Fax: 617.951.3927

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 17, 2006, at San Francisco, California.


Linda Hegenbarth